

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	)	
	)	
	)	
JOHN THOMAS ARMSTRONG, M.D.	)	Case No. 12-2012-223550
	)	
Physician's and Surgeon's	)	
Certificate No. C 37899	)	
	)	
Respondent.	)	
_____	)	

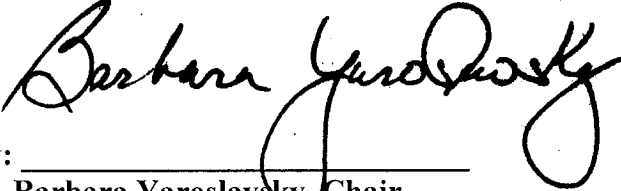
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 6, 2014.

IT IS SO ORDERED May 9, 2014.

MEDICAL BOARD OF CALIFORNIA



By: _____
Barbara Yaroslavsky, Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 EMILY L. BRINKMAN
Deputy Attorney General
4 State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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E-mail: Emily.Brinkman@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **JOHN THOMAS ARMSTRONG, M.D.**
13 **3434 Villa Lane, Suite 360**
14 **Napa, CA 94558**
Physician's and Surgeon's Certificate No.
15 **C37899**
16 Respondent.

Case No. 12-2012-223550

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the
22 Medical Board of California. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Emily L. Brinkman, Deputy Attorney General.

25 2. Respondent JOHN THOMAS ARMSTRONG, M.D. ("Respondent") is represented in
26 this proceeding by attorney Chester A. Rogaski, Esq., whose address is: Rogaski, Patterson, et al,
27 LLP, 455 Devlin Road, Suite 100, Napa, CA 94558.
28

3. On or about April 3, 1978, the Medical Board of California issued Physician's and Surgeon's Certificate No. C37899 to JOHN THOMAS ARMSTRONG, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 12-2012-223550 and will expire on July 31, 2015, unless renewed.

JURISDICTION

4. Accusation No. 12-2012-223550 was filed before the Medical Board of California (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 21, 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 12-2012-223550 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 12-2012-223550. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing Complainant could
3 establish a prima facie case with respect to the charges and allegations contained in Accusation
4 No. 12-2012-223550 and that he has thereby subjected his license to disciplinary action.

5 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
6 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
7 Disciplinary Order below.

8 11. Respondent agrees that if he ever petitions for early termination or modification, or if
9 the Board ever petitions for revocation of probation, all of the charges and allegations contained
10 in Accusation No. 12-2012-223550 shall be deemed true, correct and fully admitted by
11 Respondent for purposes of that proceeding or any other licensing proceeding involving
12 respondent in the State of California.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Medical Board of California.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
16 Board of California may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or his counsel. By signing the
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
26 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
27
28

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C37899 issued to Respondent JOHN THOMAS ARMSTRONG, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each the first two (2) years of probation, specifically related to patient communication and obstetrics, gynecology, and women's health. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at

Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

1 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of medicine,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 5. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
11 prohibited from supervising physician assistants.

12 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
13 governing the practice of medicine in California and remain in full compliance with any court
14 ordered criminal probation, payments, and other orders.

15 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
16 under penalty of perjury on forms provided by the Board, stating whether there has been
17 compliance with all the conditions of probation.

18 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
19 of the preceding quarter.

20 8. GENERAL PROBATION REQUIREMENTS.

21 Compliance with Probation Unit

22 Respondent shall comply with the Board's probation unit and all terms and conditions of
23 this Decision.

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall

not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

11. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

4 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
5 with probation monitoring each and every year of probation, as designated by the Board, which
6 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
7 California and delivered to the Board or its designee no later than January 31 of each calendar
8 year.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Chester A. Rogaski, Esq.. I understand the stipulation and the
12 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
14 bound by the Decision and Order of the Medical Board of California.

15
16
17 DATED: 2-20-14

John Thomas Armstrong, M.D.
18 JOHN THOMAS ARMSTRONG, M.D.
Respondent

19
20 I have read and fully discussed with Respondent JOHN THOMAS ARMSTRONG, M.D.
21 the terms and conditions and other matters contained in the above Stipulated Settlement and
22 Disciplinary Order. I approve its form and content.

23
24 DATED: Feb. 20, 2014

Chester A. Rogaski, Esq.
25 Chester A. Rogaski, Esq.
Attorney for Respondent

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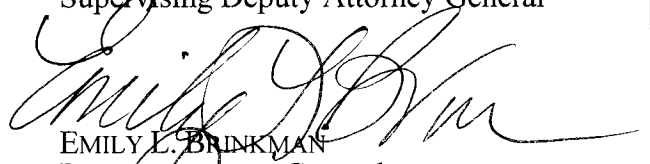
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 2/21/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 12-2012-223550

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 EMILY L. BRINKMAN
Deputy Attorney General
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 21, 2013
BY: J. Helchah ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:
12 JOHN THOMAS ARMSTRONG, M.D.
13 3434 Villa Lane, Suite 360
Napa, CA 94558
14 Physician's and Surgeon's Certificate No.
C37899
15
16 Respondent.

Case No. 12-2012-223550

ACCUSATION

17
18 Complainant alleges:

19 PARTIES

- 20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Interim Executive Director of the Medical Board of California, Department of
22 Consumer Affairs.
- 23 2. On or about April 3, 1978, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number C37899 to John Thomas Armstrong, M.D. (Respondent). At all
25 times relevant to the charges brought herein, this license has been in full force and effect. Unless
26 renewed, the certificate will expire on July 31, 2015.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board)¹, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2221 of the Code states:

"(a) The Division of Licensing may deny a physician's and surgeon's license to any applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license; or, the division in its sole discretion, may issue a probationary license to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

(3) Continuing medical or psychiatric treatment.

(4) Ongoing participation in a specified rehabilitation program.

(5) Enrollment and successful completion of a clinical training program.

(6) Abstention from the use of alcohol or drugs.

(7) Restrictions against engaging in certain types of medical practice.

(8) Compliance with all provisions this chapter.

"(b) The Division of Licensing may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the licensee.

"(c) Enforcement and monitoring of the probationary conditions shall be under the jurisdiction of the Division of Medical Quality in conjunction with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code, and the review procedures set forth in Section 2335.

¹ The term "Board" means the Medical Board of California. "Division of Medical Quality" or "Division" shall also be deemed to refer to the Board (Bus. & Prof. Code section 2002).

1 "(d) The Division of Licensing shall deny a physician's and surgeon's license to an
2 applicant who is required to register pursuant to Section 290 of the Penal Code. This subdivision
3 does not apply to an applicant who is required to register as a sex offender pursuant to Section
4 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the
5 Penal Code."

6 5. Section 2234 of the Code, states:

7 "The board shall take action against any licensee who is charged with unprofessional
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
9 limited to, the following:

10 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
11 violation of, or conspiring to violate any provision of this chapter.

12 "(b) Gross negligence.

13 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
14 omissions. An initial negligent act or omission followed by a separate and distinct departure from
15 the applicable standard of care shall constitute repeated negligent acts.

16 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate
17 for that negligent diagnosis of the patient shall constitute a single negligent act.

18 "(2) When the standard of care requires a change in the diagnosis, act, or omission that
19 constitutes the negligent act described in paragraph (1), including, but not limited to, a
20 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
21 applicable standard of care, each departure constitutes a separate and distinct breach of the
22 standard of care.

23 "(d) Incompetence.

24 "(e) The commission of any act involving dishonesty or corruption which is substantially
25 related to the qualifications, functions, or duties of a physician and surgeon.

26 "(f) Any action or conduct which would have warranted the denial of a certificate.

27 "(g) The practice of medicine from this state into another state or country without meeting
28 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not

1 apply to this subdivision. This subdivision shall become operative upon the implementation of the
2 proposed registration program described in Section 2052.5.

3 "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
4 participate in an interview scheduled by the mutual agreement of the certificate holder and the
5 board. This subdivision shall only apply to a certificate holder who is the subject of an
6 investigation by the board."

7 6. Section 2266 of the Code states:

8 "The failure of a physician and surgeon to maintain adequate and accurate records relating
9 to the provision of services to their patients constitutes unprofessional conduct."

10 **CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct; Gross Negligence and/or Repeated Negligent Acts; and/or
12 Inaccurate Medical Records)

13 7. Respondent is subject to disciplinary action under section 2234 and/or 2234(b) [gross
14 negligence] and/or 2234(c) [repeated negligent acts] and/or 2234(d) [incompetence/lack of
15 knowledge] and/or 2266 [inaccurate medical records]. The circumstances are as follows:

16 8. On or about March 14, 2012, patient BM² needed to see a doctor for concerns related
17 to a possible urinary tract infection. She got Respondent's name from the phone directory and his
18 office was able to schedule an appointment for the next day.

19 9. On or about March 15, 2012, BM went to Respondent's office for her scheduled visit.
20 Upon her arrival at the office, Respondent's secretary provided several documents for BM to
21 complete, including a written consent form for two procedures: a colposcopy and a transvaginal
22 ultrasound. BM declined her consent on these procedures by writing "Not today" and signing and
23 dating the declination section on the consent form for these two procedures.

24 10. During the examination, Respondent performed these procedures despite the clear
25 rejection of these procedures on the forms. BM did not believe she was in a position to stop him
26 since she was in a hospital gown with her feet in the stirrups. After the examination, Respondent

27 ² Patient initials will be used to protect the patient's privacy. Respondent will be able to
28 learn the name of the patient during the discovery process.

1 told her that he was unable to locate one of her ovaries and stopped trying. Respondent called her
2 ovary "shy."

3 11. During Respondent's Medical Board Interview on June 13, 2013, he stated that he
4 met with BM prior to the examination and explained to her why these two procedures were
5 necessary and that they would only take a little more time. Respondent claims that the patient
6 then verbally consented to these procedures but that he failed to update the consent form.

7 12. Respondent committed the following acts or omissions demonstrating gross
8 negligence, and/or, a lack of medical knowledge/incompetence and/or skill in his care and
9 treatment of BM:

10 A. Respondent failed to comply with the standard of care in that he performed
11 medical procedures that the patient expressly did not consent to.

12 B. Respondent failed to comply with the national guidelines for cervical cancer
13 screening in that he did not review BM's previous medical records in order to ensure that she was
14 in fact at a higher risk of cancer justifying these two procedures, particularly the colposcopy.
15 Additionally, Respondent's use of the colposcopy as a screening tool for cervical cancer shows a
16 lack of knowledge

17 C. Respondent failed to comply with the national guidelines for ovarian cancer
18 screening because the use of these two procedures as screening tools are ineffective.
19 Additionally, Respondent's use of the transvaginal ultrasound as an ovarian cancer-screening tool
20 shows a lack of knowledge.

21 13. Respondent's medical records are inaccurate as to the care and treatment provided to
22 BM, in that the records reflect denial of consent for examinations that Respondent conducted, in
23 violation of section 2266 of the Code.

24 14. Respondent's acts or omissions with respect to patient BM, whether jointly or
25 separately or in any combination thereof, constitutes cause for disciplinary action under sections
26 2234(b) [gross negligence]; and/or 2234(c) [repeated negligent acts]; and/or (d) [lack of
27 knowledge/incompetence]; and/or 2266 [inaccurate medical records] of the Code.

28 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number C37899,
5 issued to John Thomas Armstrong, M.D.

6 2. Revoking, suspending or denying approval of John Thomas Armstrong, M.D.'s
7 authority to supervise physician assistants, pursuant to section 3527 of the Code;

8 3. Ordering John Thomas Armstrong, M.D. to pay the Medical Board of California the
9 costs of probation monitoring, if placed on probation;

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: October 21, 2013

13 
14 KIMBERLY KIRCHMEYER
15 Interim Executive Director
16 Medical Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant

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